

Amendments to
North Dakota Air Pollution Control Rules
Rule Revision Summary

1. Chapter 33-15-01: General Provisions
 - a) Page 1-8; 33-15-01-04.52 – The date for incorporation by reference of the definition of “volatile organic compounds” is being updated to January 1, 2012.
 - b) Page 1-10; 33-15-01-05 – The description for the abbreviation PM_{10} is being revised to be consistent with that of $PM_{2.5}$.
 - c) Page 1-5; 33-15-01-13.3 – A sentence is being added to clarify that the alternative monitoring requirements do not apply to Acid Rain sources covered under Chapter 33-15-21. These sources have their own requirements for alternative monitoring and data substitution specified in Chapter 33-15-21.
2. Chapter 33-15-03: Restriction of Emission of Visible Air Contaminants
 - a) Page 3-2; 33-15-03-04.4 – This subsection is being removed. The language is unnecessary and may conflict with federal requirements.
 - b) Page 3-2; 33-15-03-04.5 – Language that was previously located in Chapter 33-15-17 is being added to this subsection indicating that farms must be managed in such a manner as to minimize dust.
3. Chapter 33-15-05: Emissions of Particulate Matter Restricted
 - a) Page 5-1; 33-15-05-01.2.a(1) – This paragraph is being removed since it may conflict with federal rules. Malfunctions and shutdowns of air pollution control equipment are handled under 33-15-01-13.
 - b) Page 5-11; 33-15-05-04.3 – This subsection is being revised to require measurements of $PM_{2.5}$ be made in accordance with 40 CFR 51, Appendix M.
4. Chapter 33-15-12: Standards of Performance for New Stationary Sources
 - a) Page 12-1; 33-15-12-01.1 – The date for incorporation by reference is being updated to January 1, 2012.
 - b) Page 12-5; 33-15-12-02 – Subpart Ja for petroleum refineries is being adopted by reference.

- c) Page 12-8; 33-15-12-02 – Subpart GGGa for petroleum refineries is being adopted by reference.
 - d) Page 12-10; 33-15-12-02 – A typo is being corrected in Subpart JJJJ.
- 5. Chapter 33-15-14: Designated Air Contaminant Sources, Permit to Construct, Minor Source Permit to Operate, Title V Permit to Operate
 - a) Page 14-9; 33-15-14-02.1.c – A new subdivision is being added which will allow the Department to issue General Permits to Construct.
 - b) Page 14-12; 33-15-14-02.5 – The significant impact concentrations are being updated to reflect changes and additions to the National Ambient Air Quality Standards.
 - c) Page 14-17; 33-15-14-02.13.c(4) – The change will exempt from permitting requirements small engines that are subject to a MACT standard under Chapter 33-15-22.
 - d) Page 14-35; 33-15-14-06.1.x – The revision exempts greenhouse gases from fees under the Title V program.
 - e) Page 14-37; 33-15-14-06.1.cc(2) – The revision to this paragraph exempts carbon dioxide emissions from biomass combustion or decomposition from inclusion in the applicability calculation for the Title V program until July 21, 2014.
- 6. Chapter 33-15-15: Prevention of Significant Deterioration of Air Quality
 - a) Page 15-1; 33-15-15-01.2 – The date for incorporation by reference is being updated to January 1, 2012.
 - b) Pages 15-3 and 15-4 – The reference to 40 CFR 52.21(b)(50)(i)(c) and 40 CFR 52.21(b)(50)(i)(d) are being rearranged to place them in proper alphanumeric order.
 - c) Page 15-4; 40 CFR 52.21(d) – The paragraph is being updated to more closely match the federal requirement.
 - d) Page 15-5; 40 CFR 52.21(k)(1) – The paragraph is being updated to more closely match the federal requirement.
 - e) Page 15-5, 40 CFR 52.21(l)(1) – The date for incorporating 40 CFR 51, Appendix W is being updated to January 1, 2012. The reference to the North Dakota Guideline for Air Quality Models is deleted and a reference to Department guidance added.

- f) Page 15-8; 40 CFR 52.21(v)(2)(iv)(a) – This subitem is being updated to more closely match the federal requirement.
- 7. Chapter 33-15-17: Restriction of Fugitive Emissions
 - a) Page 17-1; 33-15-17-02.4 – A reference to the exceptions to the visible emissions standards in Chapter 33-15-03 is being added.
 - b) Page 17-2; 33-15-17-02.6 – This subsection is being deleted since it is not appropriate to exempt farming activities from the Ambient Air Quality Standards or PSD increments.
- 8. Chapter 33-15-21: Acid Rain Program
 - a) Page 21-1 and 21-2; 33-15-21-08.1, 33-15-21-09.1 and 33-15-21-10 – The date for incorporation by reference is being updated to January 1, 2012.
- 9. Chapter 33-15-22: Emission Standards for Hazardous Air Pollutants for Source Categories
 - a) Page 22-1; 33-15-22-01 – The date for incorporation by reference is being updated to January 1, 2012.
 - b) Page 22-4; 33-15-22-03 – Subpart EEEE for organic liquids distribution facilities and Subpart YYYY for combustion turbines are being incorporated by reference.
- 10. Chapter 33-15-23: Fees
 - a) Page 23-2; 33-15-23-02.2.c – This subdivision indicates that statements of actual Permit to Construct processing costs will be sent. These statements can now be sent before a final determination is made on the permit application.
 - b) Page 23-3; 33-15-23-03.1 – The annual fee for sources that operate a monitor (continuous emission monitor or ambient air quality monitoring site) is being eliminated.
 - c) Page 23-5; 33-15-23-04.9 – This subsection is being deleted.
 - d) Page 23-5; 33-15-23-04.11 – A subsection is being added which indicates greenhouse gases are exempt from Title V fees.
 - e) Page 23-5; 33-15-23-06 – This section is being added. This section will require the owner or operator of an oil or gas well to pay a \$150 filing fee with their registration form.